



City of Westminster

# Committee Agenda

Title: **Planning Applications Sub-Committee (1)**

Meeting Date: **Tuesday 21st May, 2019**

Time: **6.30 pm**

Venue: **Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Tony Devenish (Chairman)  
Elizabeth Hitchcock  
Tim Roca  
Peter Freeman

**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

**Admission to the public gallery is by a pass, issued from the ground floor reception from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Georgina Wills: Committee and Governance Officer.**

**Tel: 020 7641 7513; Email: [gwillis@westminster.gov.uk](mailto:gwillis@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **1. MEMBERSHIP**

To note that Councillor Elizabeth Hitchcock had replaced Councillor Susie Burbridge

To note any further changes to the membership.

#### **2. DECLARATIONS OF INTEREST**

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

#### **3. MINUTES**

To sign the minutes of the last meeting as a correct record of proceedings.

#### **4. PLANNING APPLICATIONS**

Applications for decision

##### **Schedule of Applications**

Members of the public are welcome to speak on the specific applications at the planning committee meeting.

To register to speak and for guidance please visit:

[www.westminster.gov.uk/planning-committee](http://www.westminster.gov.uk/planning-committee).

Please note that you must register by 12 Noon on the Friday before the Committee meeting

In the event that you are successful in obtaining a speaking slot please read the guidance, in order to familiarise yourself with the process prior to attending the meeting.

**(To Follow)**

- |   |                        |
|---|------------------------|
| <b>1. 7-9 BOTTS MEWS, LONDON, W2 5AG</b>  | <b>(Pages 7 - 34)</b>  |
| <b>2. 63 ABBEY ROAD, LONDON, NW8 0AE</b>  | <b>(Pages 35 - 48)</b> |
| <b>3. BASEMENT AND GROUND FLOOR, 42 MARYLEBONE HIGH STREET, LONDON, W1U 5HD</b> | <b>(Pages 49 - 58)</b> |

**Stuart Love  
Chief Executive  
13 May 2019**

## Order of Business

At Planning Applications Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

<b>Order of Business</b>
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Ward Councillor(s) and/or MP(s)
vi) Council Officers response to verbal representations
vii) Member discussion (including questions to officers for clarification)
viii) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.

# Agenda Annex

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 21st May 2019  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	<b>RN(s) :</b> 18/10476/FULL  Bayswater	7-9 Botts Mews London W2 5AG	Demolition of existing buildings behind a retained facade of 2a Bridstow Place and erection of buildings to provide 2 x 4-bedroom single family dwellinghouses (Class C3) with integral garages and roof terraces and excavation of two storey basement and other associated works (excavation works are substantially complete).	
	<b>Recommendation</b> Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
2.	<b>RN(s) :</b> 1. 18/10785/FULL 2. 18/10324/ADV  Abbey Road	63 Abbey Road London NW8 0AE	Application 1: Installation of external heaters to ground floor frontages on Belgrave Gardens and Abbey Road and installation of new front door.  Application 2: Display of externally illuminated fascia sign measuring 0.02m X 0.08m and externally illuminated sign atop street post measuring 1.0m X 1.0m	
	<b>Recommendation</b> 1. Grant conditional permission 2. Grant conditional advertisement consent.			
Item No	References	Site Address	Proposal	Resolution
3.	<b>RN(s) :</b> 18/08647/FULL  Marylebone High Street	Basement And Ground Floor 42 Marylebone High Street London W1U 5HD	Installation of 4 condensing units at rear lower ground floor level in shared service yard (Retrospective Application).  <b>Addendum Report</b>	
	<b>Recommendation</b> Grant conditional permission.			

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# Agenda Item 1

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 21 May 2019	<b>Classification</b> For General Release	
<b>Report of</b> Executive Director Growth Planning and Housing		<b>Ward(s) involved</b> Bayswater	
<b>Subject of Report</b>	<b>7-9 Botts Mews, London, W2 5AG,</b>		
<b>Proposal</b>	Demolition of existing buildings behind a retained facade of 2a Bridstow Place and erection of buildings to provide 2 x 4-bedroom single family dwellinghouses (Class C3) with integral garages and roof terraces and excavation of two storey basement and other associated works (excavation works are substantially complete).		
<b>Agent</b>	Mr Daniel O'Keeffe		
<b>On behalf of</b>	W11 Construction Limited		
<b>Registered Number</b>	18/10476/FULL	<b>Date amended/ completed</b>	11 January 2019
<b>Date Application Received</b>	12 December 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Westbourne		

## 1. RECOMMENDATION

Grant conditional permission.
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## 2. SUMMARY

<p>The application site comprises back to back two storey buildings facing Bridstow Place and Botts Mews. None of these buildings are listed but the site is located within the Westbourne Conservation Area. The buildings are currently fully covered in a hoarding following works commencing on site to excavate a double basement, which was granted in 2015.</p> <p>A number of applications have been refused for the total demolition of the buildings and the redevelopment of the site on design and conservation area grounds and as the excavation of a double basement was contrary to adopted basement policy.</p> <p>Planning permission is again sought for the redevelopment of the site to provide two single family dwellings, set over ground, first and second floor levels including the excavation of a double basement. Unlike the refused schemes this application seeks to retain the façade of the 'Bakery</p>
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building' which fronts onto Bridstow Place and the applicant has confirmed that the double basement is now substantially complete.

Objections have been received on various grounds including: The impact of disturbance and health implications of construction, amenity and design.

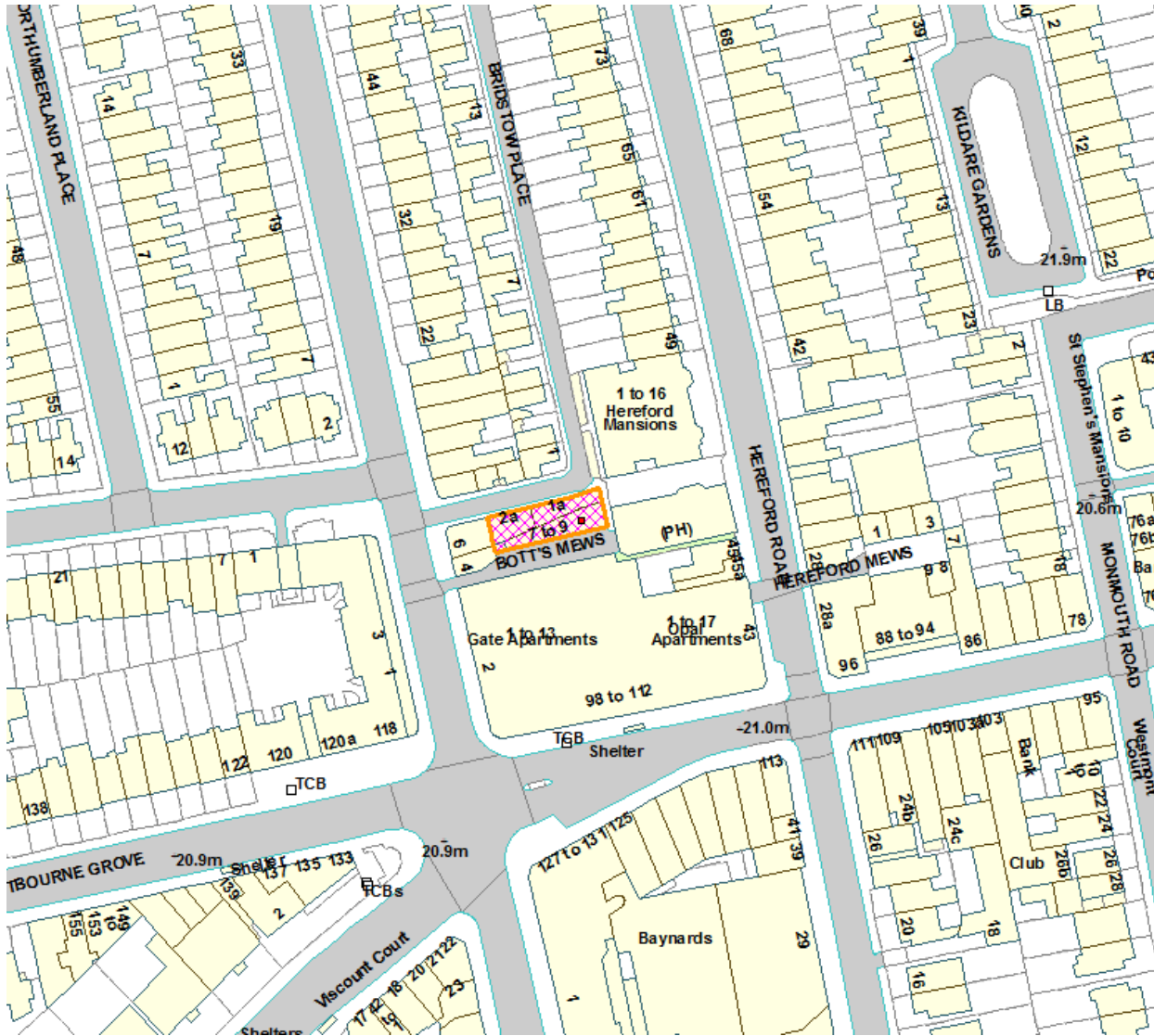
The key issues for consideration are:

- \* Whether the proposals are acceptable in design and conservation terms.
- \* Whether the impact of the proposal on the amenity of the neighbouring residents is acceptable.
- \* The impact of the proposals in highways and parking terms.

As the double basement has now substantially been completed, and with the retention of the bakery building frontage, the redevelopment of the site is considered to be acceptable and consistent with the relevant development plan policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan). As such, the application is recommended for approval subject to the conditions set out in the draft decision letter at the end of this report.



### 3. LOCATION PLAN



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**4. PHOTOGRAPHS**

View from Botts Mews towards Chepstow Road



View from Bridstow Place towards Hereford Mansions



## 5. CONSULTATIONS

### NOTTING HILL EAST NEIGHBOURHOOD FORUM:

Supports the application as relieved to see a resolution on a range of issues and the proposals now meet the criticisms of the planning inspectorate and will add two new homes to the area.

### WASTE PROJECT OFFICER:

Raise an objection as details of bin capacities are required and details of waste and recyclable storage.

### HIGHWAYS PLANNING:

No objection subject to details of waste storage.

### THAMES WATER UTILITIES LTD:

Any response to be reported verbally.

### HISTORIC ENGLAND:

No comment. They do not consider that they were required to be consulted.

### BUILDING CONTROL:

Any response to be reported verbally.

### ARBORICULTURAL OFFICER:

No objection/comment.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 220

Total No. of replies: 14 Objections raising some or all of the following comments:

#### Amenity:

- Building will be overbearing.
- Loss of light.
- Loss of privacy and increased overlooking.

#### Design:

- Only a small section of façade is to be retained, permission to demolish the buildings has previously been refused. Previous schemes to retain existing buildings welcomed.
- Works to drill holes into existing historic facades indicates that the developers are not treating the building sensitively.
- Materials and design is out of keeping with the area.

#### Other:

- Disruption, noise, pollution and health implications from construction and vehicles.
- Proposals are purely a money making scheme.
- Abuse of the planning system by delaying works in an attempt to get around planning system.
- Lack of promised weekly updates in relation to building progress as part of development being 'considerate builder'.

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- Construction vehicles have already damaged the roads, causing a hazard. Further works would worsen this.

PRESS ADVERTISEMENT / SITE NOTICE:  
Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site comprises a pair of two storey buildings facing Bridstow Place and a short terrace of smaller two storey buildings facing Botts Mews that sit back-to-back to each other. None of these buildings are listed but the site is located within the Westbourne Conservation Area. The site is not located within the Central Activities Zone (CAZ) or the North Westminster Economic Development Area (NWEDA).

The buildings are currently surrounded by hoardings and vacant.

### **6.2 Recent Relevant History**

#### **Nos. 1A and 2A Bridstow Place:**

Planning permission was granted on 24 November 2003 for the use of the building from a bakery (Class B2 – General Industrial) to a yoga studio and treatment rooms (Class D1 – Non-residential Institution). This permission was never implemented.

It was deemed on 19 April 2004 that using the buildings as an office (Class B1 – Business) would not require planning permission as changing the use from Class B2 to Class B1 constitutes ‘permitted development.’

Planning permission was granted on 6 October 2004 for the use of the building as a ‘relaxation centre’ (Class D1). This permission was not implemented.

Planning permission was granted on 20 October 2004 for the use of the entirety of the first floor and part of the ground floor as 1x1 bedroom flat and 1x2 bedroom flat with two off-street car parking spaces (Class C3). This permission was also not implemented.

Given that none of the above permissions were implemented the lawful use of the building is still as a bakery (Class B2).

#### **Nos. 7 – 9 Botts Mews:**

Planning permission was granted on 12 February 1982 for the use of the first floor as a photographic studio (Class B1).

Two applications for planning permission (and linked conservation area consent applications) were refused by the City Council on 17 December 2013. The refusals were appealed, with the appeals subsequently dismissed on 22 September 2014 (appeal decision within background papers).



**Nos. 7-9 Botts Mews & 1A-2A Bridstow Place**

Application 1: Demolition of 7-9 Botts Mews and 1A-2A Bridstow Place and erection of 3 x 3 bedroom dwelling houses over sub-basement, basement, ground, first and second floor levels, including garage parking, terraces and associated works., Application 2: Demolition of 7-9 Botts Mews and 1A-2A Bridstow Place and erection of 3 x 3 bedroom dwelling houses over sub-basement, basement, ground, first and second floor levels, including terraces and associated works. This application was refused on design ground. [RN's 13/07718/FULL & 13/07719/CAC]

Application 2: Demolition of 7-9 Botts Mews and 1A-2A Bridstow Place and erection of 3 x 3 bedroom dwelling houses over sub-basement, basement, ground, first and second floor levels, including terraces and associated works. This application was refused on both design and highways grounds due to lack of parking provision. [RN's 13/07819/FULL & 13/07820/CAC]

An application was approved on 31 March 2015 for the Use of 7-9 Botts Mews and 1A-2A Bridstow Place as 2x3 bedroom single family dwellinghouses (Class C3) with integral garages and excavation of two storey basement, removal of water tanks and associated alterations. [RN 14/02993/FULL] This application has been partially implemented.

Permission granted on 17 December 2015 in relation to a pre-commencement condition for the submission of details of the biodiversity management plans in relation to the brown roofs pursuant to Condition 15 and sustainable urban drainage pursuant to Condition 17 of planning permission dated 31 March 2015 referenced 14/02993/FULL. [15/10635/ADFULL]

A certificate of lawful development was issued on 15 March 2017 for Confirmation that material operations took place on site (7-9 Botts Mews and 1A-2A Bridstow Place, London W2 5AG) within the terms of Section 56 of the Town and Country Planning Act 1990 to implement the planning permission dated 31 March 2015 (ref: 14/02993/FULL) before the expiry of the statutory three year time period, and therefore the continued development of this site in accordance with the above planning permission is lawful.

Permission was refused on 28 March 2017 on design and conservation area grounds for "Demolition of existing buildings and erection of replacement three storey buildings with double basements to provide 2 x 4 bedroom single family dwellinghouses (Class C3), with integral garages and other associated works." [16/09953/FULL]

**7. THE PROPOSAL**

Permission is sought for the redevelopment of the site to provide two single family dwelling houses (Class C3) including the excavation of a double basement across the whole site. The only part of the site which is to remain is the façade of a white stuccoed building which faces onto Bridstow Place, referred to as the Bakery building.

The new dwellings are to lie over sub-basement, basement, ground, first and half second floor levels. The second floor level will also feature a terrace which looks out

over Botts Mews. A garage is to be provided for each dwelling accessed from Botts Mews.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The existing buildings are currently vacant but were last in commercial uses. The approved certificate of lawful development application has confirmed that works have commenced on site to implement permission granted 31 March 2015, which was for the use of the site as two residential buildings and the excavation of a double basement. Alike this implemented permission the proposals are still for two residential units. The provision of additional residential accommodation is supported by Policy S14 in the City Plan and Policy H3 in the UDP.

All new housing is expected to provide a well designed living environment. As a large proportion of the dwellings are subterranean it is important to ensure that the dwellings as a whole represent an acceptable standard of residential accommodation. The applicant has proposed internal lightwells in the middle of the two houses and devices such as glass decks in order to provide the habitable accommodation at sub-basement and basement level with light. As with the extant approved scheme, the proposed layout is not ideal for family-sized units due to the reliance on devices such as glass floors, and the poor outlook from the main living areas at basement level. However, given that the units are used as single family dwellings, with three above ground floors, with suitable light and outlook, and given that permission has been granted for a double basement (which has substantially been excavated), it is not considered that refusal on the grounds of poor living arrangements could be sustained.

### **8.2 Townscape and Design**

City Plan policies S25 and S28 and UDP Policies DES 1 and DES 9, require development to be of the highest standards and to preserve the built heritage of the City.

The mews properties proposed to be demolished appear on historic maps dating from the mid-late 19<sup>th</sup> century and formed part of the original development of Westbourne, now the Westbourne Conservation Area. Botts Mews is one of only a handful of mews developments in the area. Nos. 7-9 Botts Mews have the charm of small mews properties, glimpsed in views from Chepstow Road (No.7 is particularly small in scale). Bridstow Place is a unique street, characteristic of a mews but street-sized and featuring two storey cottages to the north which are protected by an 'Article 4 Direction' which removes some rights normally afforded to householders to alter their properties without the need for planning permission.

The Botts Mews buildings are two storey rendered buildings with garage doors to ground floor level and multiple paned metal windows to the first floor, there are slated pitched roofs behind. The Bridstow Place elevation has two elements, 2b is a horizontal character 1950s style warehouse building, while 2a (the former Bakery building) is a smaller stuccoed building adjacent to the Chepstow Road corner building.

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The former Bakery building facing Bridstow Place is the older of the buildings on this side of the group. This Victorian building has attractive arched windows at ground floor level and a hay loft door at first floor. Its more elaborate detailing is a quirky element in this mews entrance setting and contributes to the character and appearance both of the mews and the wider conservation area. As such, it should be retained and reused, both for its value as a vestige of the former uses of the site and its architecture and appearance.

There have been several appeal decisions in relation to the redevelopment of the site, but most recently in August 2018 against the most recently refused scheme (Ref 16/09953/FULL). The inspector dismissed the appeal and concluded that the “*main issue, due to the significance of the undesignated heritage asset and its contribution to the designated heritage asset of the Westbourne Conservation Area, the demolition of number 2a Bridstow Place [the bakery building] would cause harm that is not justified or outweighed by public benefits and hence the proposal fail to accord with Policies S25, S28, DES 1 and in particular, DES 9, or the provisions of the 1990 Act together with the Framework with regard to conserving and enhancing the historic environment.*”

In the same decision the Inspector accepted that the Botts Mews façade made a limited, if any, contribution and that its demolition and the proposed replacement would preserve the character and appearance of the conservation area.

Given the need to pay due regard to preservation or enhancement, the City Council expects high quality development to enhance conservation areas. In terms of replacement buildings, in order to justify the loss of the present buildings, these should offer a greater positive contribution to the conservation area than existing structures.

Unlike the previously refused schemes, the applicant is proposing for the façade of the bakery building to be retained to form an interesting counterpoint to the new development adjacent. With the retention of the Bakery building, the new development is considered acceptable in terms of its scale, being two storey and set back mansard third storey attic to both elevations. The proposals have also been amended slightly so that the garage doors are of a more traditional style, which is welcomed.

The modern replacement buildings are to have crittal windows which hark to the industrial nature of the existing buildings. The facing materials of brick and render also help to respect the character of the townscape and conservation area.

It is considered this latest scheme will make a positive contribution to the conservation area and is considered to be in accordance with Westminster adopted policy and the NPPF and is therefore acceptable in design and conservation area terms.

### **8.3 Residential Amenity**

The application site is surrounded by residential properties, both on Botts Mews to the south and Bridstow Place to the north. Policies ENV13 of the UDP and S29 of the City Plan seek to protect residential amenity. Concerns have been raised by residents in respect of the impact of the proposed development on their light, privacy, noise and outlook.



While this application has not been supported by a daylight and sunlight report, the previous application did include one. The scale and mass of this application and the previously refused application are the same. There has been no change on site in terms of the relationship of the development and the neighbouring buildings and therefore the considerations remain unchanged. Officers found the development to be acceptable in terms of its impact on neighbouring amenity as follows (16/09953/FULL):

#### 9.3.1 Sunlight and Daylight

*The applicant has carried out a daylight and sunlight assessment in line with Building Research Establishment (BRE) guidelines, analysing the windows of the adjacent residential properties. This report finds that, as a result of the development, no windows within neighbouring residential units will suffer a reduction in light above what is recommended under the BRE guidelines. For this reason, the impact of the development on the quality of the environment within neighbouring residential properties in terms of daylight and sunlight terms is considered acceptable.*

#### 9.3.2 Sense of Enclosure

*There is an existing party wall which diagonally dissects the site, separating the existing properties facing Bridstow Place from the properties facing Botts Mews. The buildings facing Bridstow Place are taller and on a slightly higher level than the Botts Mews Properties. The proposals include the erection of a mansard roof extension at second floor level, which is set back on the Botts Mews frontage to provide roof terraces. Due to the level changes, the actual increase in height of the new buildings is relatively minor at approximately 0.9m at the lower end of the site (to the east) and 0.3m at the higher end of the site (to the west).*

*Due to the relatively small increase in bulk and the setting back of the top storey on the Botts Mews frontage, it is not considered that the proposed development would result in a material increase in the sense of enclosure for residents on the opposite side of Botts Mews. Similarly, it is not considered that the increase in bulk over the existing building would result in a material impact on residents at the opposite side of Bridstow Place or within Hereford Mansions. The scheme is therefore considered acceptable in this regard.*

#### 9.3.3 Privacy, Overlooking and Noise

*There are windows in both street facing elevations of the existing buildings, while the proposals do include a greater number of windows and new windows at second floor level, it is not considered that these would give rise to such a negative impact as to justify refusal. The proposals also include the provision of a terrace at second floor level on the Botts Mews frontage.*

*There are existing terraces at second and third floor levels to the properties on the other side of Botts Mews. Some of these properties are used as single family dwellings and some are divided into flats. 2 Chepstow Road, has frontages onto both Chepstow Road and Botts Mews and has windows located at a similar level to the proposed terrace. There is also a window in the rear of 6-8 Chepstow Road just above the application site, which would appear from records to be residential use.*

*The scheme refused in 2014 also included the provision of terraces in the same location to those currently proposed, however in a slightly different arrangement as the previous*

*application was for three dwellinghouses rather than two. Officers did not consider that the proposals resulted in a negative impact in terms of loss of amenity as to recommend refusal. The application was subsequently appealed, within which the inspector agreed with the statement of common ground, which set out that the proposals would not have adverse effect on the living conditions of either future occupants or occupants of nearby properties. It is not considered that Westminster Policies or the site situation have changed considerably since this time, and therefore it is not considered that refusal on these grounds could be sustained.*

While the comments of the objectors are noted, as concluded above, and by the planning inspectorate, it is not considered that the development would have such a negative impact on the amenity of adjacent neighbours as to justify a recommendation for refusal.

#### **8.4 Transportation/Parking**

The Highways Planning Manager has raised no objection to the proposal for one off-street car parking space (within an integral garage) accessed from Botts mews, for each of the proposed dwellings and such provision is in accordance with UDP Policy TRANS 23. Provision is made for the storage of a bicycle for each of the proposed dwellings. Such provision is in accordance with UDP Policy TRANS 10. Conditions are recommended to secure both the car and bicycle provision. A condition is also recommended to ensure that doors do not open across the road or pavement which would cause an obstruction.

#### **8.5 Economic Considerations**

Any economic benefits of the proposed scheme are welcomed.

#### **8.6 Access**

A condition is recommended to ensure that the dwellings benefit from step free access to accord with policies TRANS 27 and DES 1 in the UDP.

#### **8.7 Other UDP/Westminster Policy Considerations**

##### **Refuse /Recycling**

A condition is recommended for revised details to be submitted to show waste and recyclable storage to address the objection from the Waste Projects Officer.

#### **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the

NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

**8.9 Neighbourhood Plans**

Not applicable to this application.

**8.10 London Plan**

This application raises no strategic issues.

**8.11 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has agreed to the imposition of the condition.

**8.12 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

The estimated Mayoral CIL payment would be approximately £63,920 and Westminster CIL approximately £319,600

**8.13 Environmental Impact Assessment**

The application is of insufficient scale to trigger the requirement for the submission of an Environmental Impact Assessment.

**8.14 Other Issues**

Objection have been received in relation to the abuse of the planning system, namely due to the number of applicants and length of time that the development has been ongoing. While these concerns are noted, this is not a valid ground to withhold permission, which each application assessed on its merits.

Basement:

Permission was previously refused on the basis that a double basement was contrary to

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City Plan Policy CM28.1, which restricts developments adjacent to residential occupiers to a single storey. However, as determined through the appeal of this decision, the principle of the double basement, as confirmed by the Inspector, is a fall-back position that can be afforded full weight. The Inspector stated in paragraph 8 of the decision “*The conclusion to be drawn is that there does not appear to be any reason why the appellant’s claimed ‘fall-back’ position of being able to construct a double basement as previously approved should not be afforded full weight, as the project appears to have reached an advanced stage. To reduce back to only a single basement would likely cause more harm than completion as permitted, and in fact the appellant describes the work as being ‘not easily reversible’.*” Given this decision, and as confirmed by the applicant that the double basement is substantially complete, it would not be reasonable to refuse permission on the grounds of a double basement being contrary to policy.

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement, the timescale for the proposed construction phase and ongoing general disturbance associated with construction activity. Particular concern is raised from a neighbour with concerns that the proposed works will have a serious impact on the health and wellbeing of adjacent occupiers.

The proposed hours of working condition states that no piling, excavation and demolition work is undertaken on Saturdays. This condition is consistent with environmental protection legislation. To further restrict working hours is considered to be unreasonable and would elongate the time it would take to complete the development, which would lengthen disturbance to neighbours.

The City Council adopted its Code of Construction Practice (CoCP) at the end of July 2016. The application has submitted a draft Appendix A to confirm that they will comply with this code. This is a fundamental shift in the way the construction impacts of developments are dealt with. Previously the conditions were attached to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The CoCP expressly seeks to move away from enforcement via the planning system. It recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

Concerns have been raised by a resident in relation to the impacts of the development on their health and wellbeing. The CoCP strongly encourages early discussions between developers and those neighbouring the development site. It notes that this should be carried out after planning permission is granted and throughout the construction process. By providing neighbours with information about the progress of a project, telling them in good time about when works with the potential to cause disruption will take place and being approachable and responsive to those with comments or complaints will often help soothe the development process. Section 2 of the CoCP states ‘reasonable steps should be taken to engage with the elderly and residents with disabilities, and with other groups in the neighbouring area who might be affected by construction impact in different ways’. It continues ‘The contractor will ensure that occupier of nearby properties, and local

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amenity associations, business improvement districts or similar groups where these exist, will be informed in advance of works taking place.'

Concerns have also been raised in relation to damage to the road. Paragraph 5.3.3 of the CoCP relates to maintenance and repair of the highway. It states that defects caused by the developer must be rectified immediately if dangerous. Defects which are not dangerous should be notified to the City Council for investigation. The damage to the road indicated by the objector could not currently be addressed as the double basement was not subject to the controls of the CoCP, as the applicant has accepted to conform with the CoCP as part of this application, such concerns can be taken up with the Environmental Inspectorate as part of the CoCP process.

The concerns of the neighbouring residents are at the heart of why the City Council has adopted its new Policy in relation to basements (CM28.1) and created the new CoCP. While the comments from the neighbours are noted, in particular those of the neighbour with health issues, it is considered that the CoCP will adequately ensure that the development is undertaken in such a manner as to ensure that the impact is mitigated as far as possible. An informative is recommended to advise the applicant to consult with neighbours at an early stage of the CoCP process having regard to the representations received as part of this application.

A condition is also recommended requiring evidence to be submitted of compliance with the CoCP prior to commencement of development.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT <a href="mailto:rhandley@westminster.gov.uk">rhandley@westminster.gov.uk</a>
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**9. KEY DRAWINGS**



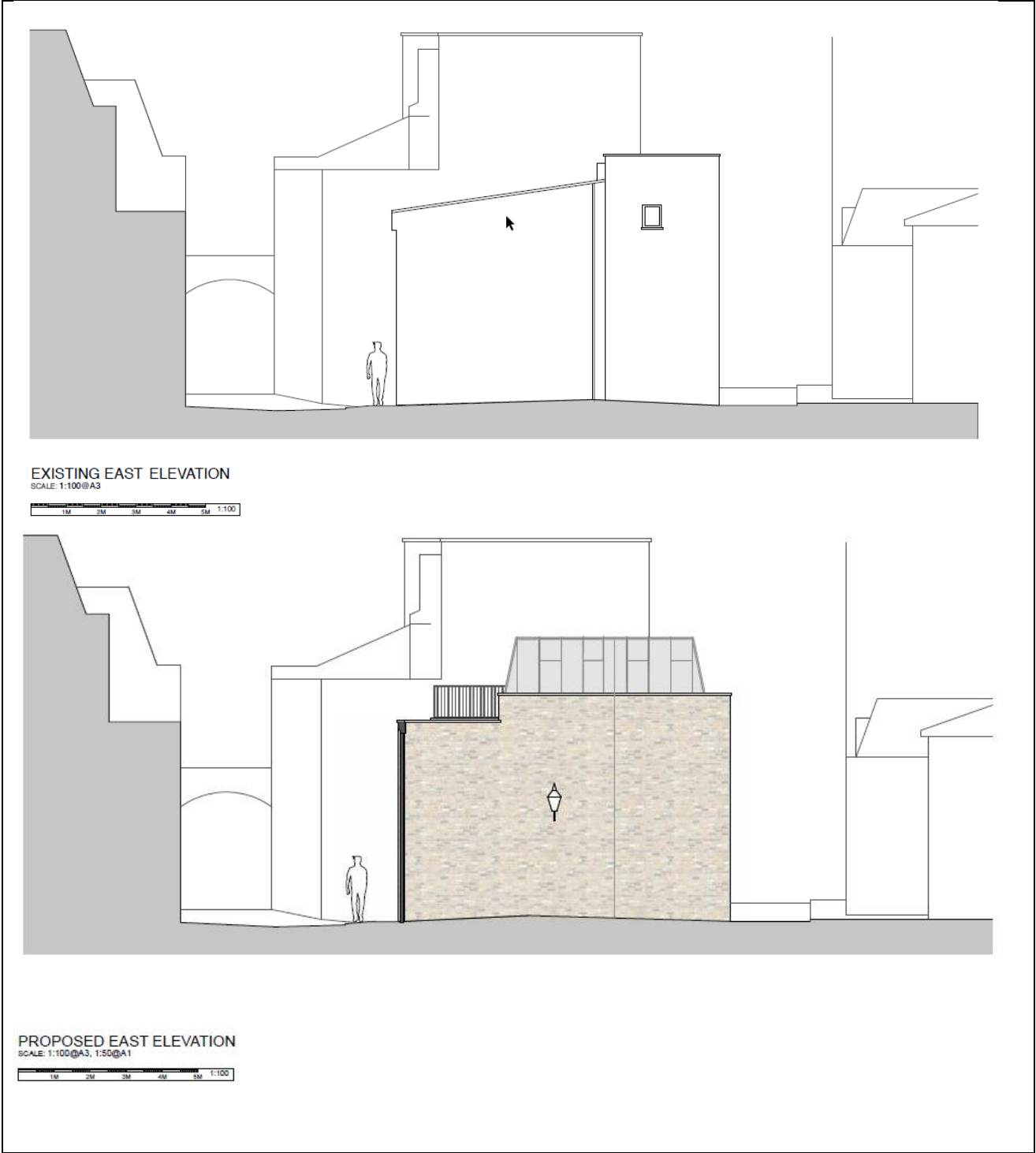


EXISTING BRIDSTOW PLACE ELEVATION

SCALE: 1:100@A3  
1M 2M 3M 4M 5M 1:100

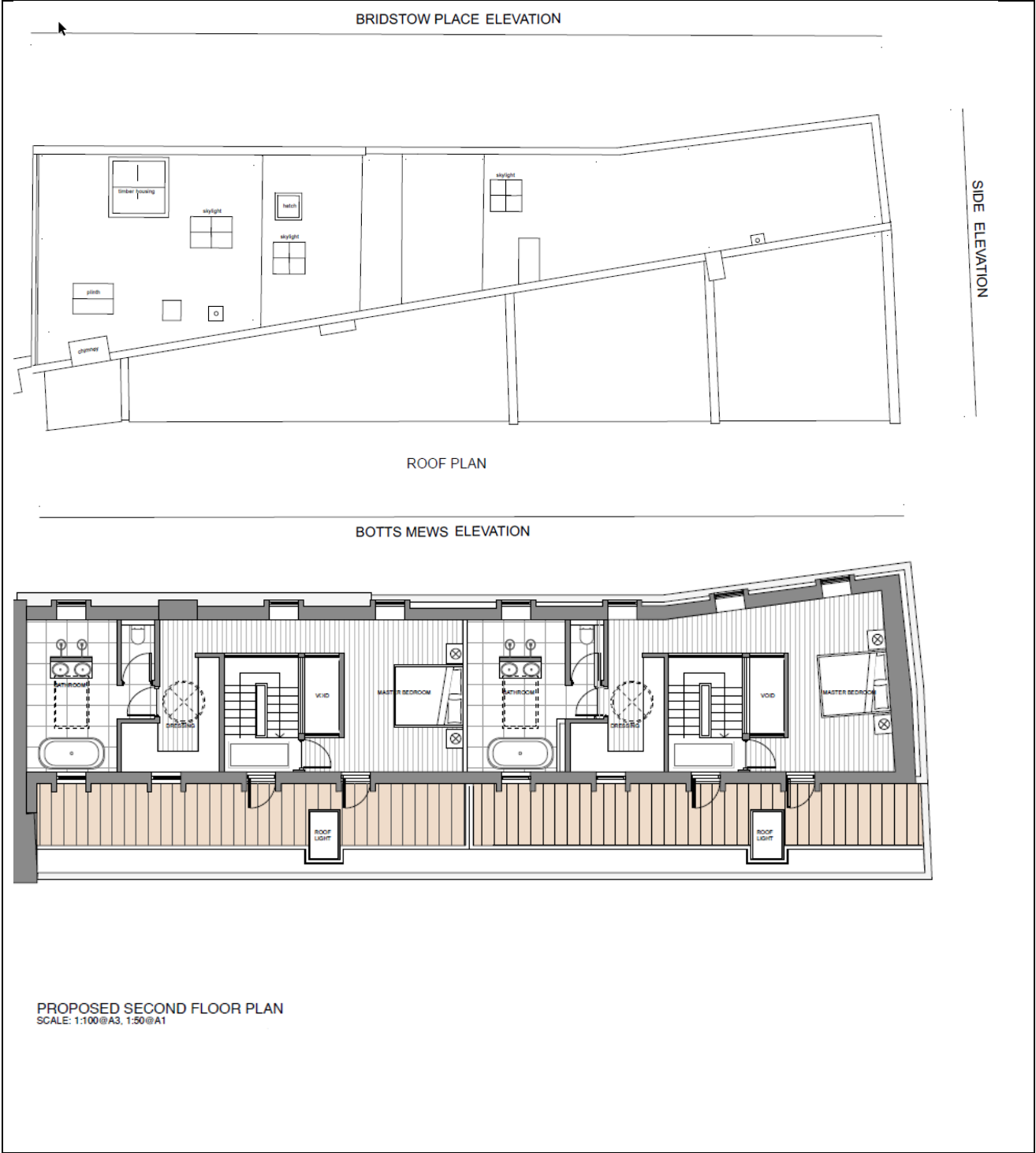


Proposed Bridstow Place Elevation





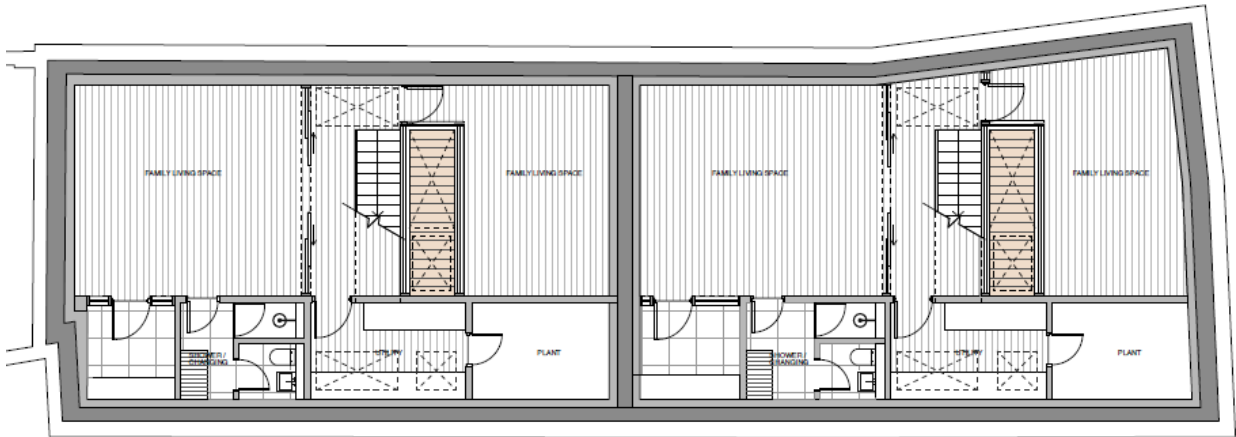






PROPOSED BASEMENT PLAN  
SCALE: 1:100@A3, 1:50@A1

A1



PROPOSED SUB BASEMENT PLAN  
SCALE: 1:100@A3, 1:50@A1

A1

**DRAFT DECISION LETTER**

**Address:** 7-9 Botts Mews, London, W2 5AG,

**Proposal:** Demolition of existing buildings behind a retained facade of 2a Bridstow Place and erection of buildings to provide 2 x 4-bedroom single family dwellinghouses (Class C3) with integral garages and roof terraces and excavation of two storey basement and other associated works (excavation works are substantially complete).

**Plan Nos:** 3000 PP1; 3050 PP1; 3051 PP1; 3052 PP1; 3061/A PP1; 3062/A PP1; 3100 PP1; 3101 PP1; 3102 PP1; 3103 PP1; 3104 PP1; 3105 PP1; 3063/A PP1; 3070 PP1; 3200/A PP1; 3200 PP2; 3201 PP1; 3202/A PP1; 3210 PP1; 3211 PP1.

For information only: Design and Access Statement by Moreno Massey dated December 2018; Planning and Heritage Statement by ADL Planning Limited; Structural Engineer's Structural Method Statement P3 by Form dated 09.01.19; Geotechnical and geo-environmental site assessment by RSK dated May 2012;

**Case Officer:** Rupert Handley

**Direct Tel. No.** 020 7641 2497

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 Prior to the commencement of any:  
(a) demolition, and/or  
(b) earthworks/piling and/or  
(c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 4 You must apply to us for approval of details of how waste is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the two houses. You must not use the waste store for any other purpose. (C14CD)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 5 You must only use the garage for people living in this property to park their private motor vehicles. (C22EB)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 6 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

7 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:  
In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

8 You must install the railing as indicated on drawings 3104 PP1 and 3202 PP1 prior to the use of the terrace. You must not use the roof of the mansard or the area of flat roof coloured white on plan 2105 PP1 fronting Botts Mews for sitting out or for any other purpose. You can however use the roofs to escape in an emergency.

Reason:  
To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

9 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:  
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

10 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:  
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

11 You must apply to us for approval of detailed drawings of the following parts of the development

- i) Windows;
- ii) doors (entrance doors and garage doors);
- iii) railings;
- iv) dormers.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 12 The dwelling houses shall have step free access.

Reason:

To provide convenient access for all as set out in TRANS 27 and DES 1 of our Unitary Development Plan that we adopted in January 2007.

- 13 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: The pitched roof of the mansard to be slate clad and the top of the mansard to be clad in lead. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 14 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

**Informative(s):**

1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

2 HIGHWAYS LICENSING:

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560.

CONSIDERATE CONSTRUCTORS:

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>

3 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)



**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 4 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 5 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 6 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B must be submitted to the City Council's Environmental Sciences team ([environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) and the checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. The full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements) must be submitted at least 40 days prior to commencement of works (which may include some pre-commencement works and demolition).

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase. Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

Item No.
<b>1</b>

7 The Council considers that the amount of daylight into and the view that is likely from the basements would not be enough for the use of these rooms as main living areas. (You are recommended to refer to the Housing Health and Safety Rating System - Housing Act 2004 guidance to obtain full details about the requirement for natural lighting and reasonable view.) The proposals have been accepted because the flat as a whole has enough main rooms with adequate daylight and reasonable views, and on the basis that the flat will be used as a single self-contained unit by one household. If any occupier in the future was to consider using the flat in a different way - for example, with those rooms referred to above (as having limited daylight and views) being used as living rooms or as living/bedrooms e.g. for staff accommodation, the flat is likely to be considered for action under the Housing Act 2004 by our Residential Environmental Health team; in those circumstances, that team would have the power to require works to improve daylight to the affected rooms or alternatively, where this is not practicable, to prohibit their use.

8 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

# Agenda Item 2

Item No.
2

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 21 May 2019	<b>Classification</b> For General Release	
<b>Report of</b> Executive Director Growth Planning and Housing		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	63 Abbey Road, London, NW8 0AE,		
<b>Proposal</b>	Application 1: Installation of external heaters to ground floor frontages on Belgrave Gardens and Abbey Road and installation of new front door.  Application 2: Display of externally illuminated fascia sign measuring 0.02m X 0.08m and externally illuminated sign atop street post measuring 1.0m X 1.0m		
<b>Agent</b>	Miss Anna Vincent		
<b>On behalf of</b>	Olives & Cream Ltd		
<b>Registered Number</b>	Application 1: 18/10785/FULL Application 2: 18/10324/ADV	<b>Date amended/ completed</b>	6 December 2018
<b>Date Application Received</b>	6 December 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		
<b>Licensed opening hours</b>	Monday to Saturday 07:00 - 00:30 Sunday 07:00 - 23:30		

## 1. RECOMMENDATION

Grant conditional permission.
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## 2. SUMMARY

<p>This application relates to an attractive mid-19th century public house which sits on a prominent corner plot with frontages to both Abbey Road and Belgrave Gardens and is located within the St Johns Wood Conservation Area. The frontage comprises a projecting colonnade of fluted Corinthian/Composite columns framing glazing to both elevations, under a classical cornice. Given its age and attractive appearance, including its stuccoed upper storeys, it is designated an unlisted building of merit. The building is currently undergoing considerable building works, with much of the</p>
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inside of the building having been removed. The application relates to the 'Salt House', a pub which was previously at ground and first floor levels, however the site has been vacant for some time.

This application is for the installation of heaters above the existing windows on both the Abbey Road and Belgrave Gardens frontages and for the installation of a new entrance door. The application originally included the provision of lighting within the window reveals on the upper level and new planters, following officer comment that these were out of character with the area, the façade lighting has been removed. The drawings also indicate lighting at ground floor level, however this is shown as existing.

Advertisement consent is also sought for the display of an externally illuminated sign above front entrance on the corner of the property and an externally illuminated sign located atop the existing post which sits on the street.

#### PLANNING HISTORY:

18/07063/FULL: Replacement of canopies to Abbey Road and Belgrave Gardens elevations and additional canopy to corner elevation.

Application Refused 9 October 2018

16/04501/FULL: Alterations to existing canopy around western portion of external seating terrace on Belgrave Gardens frontage, including replacement of retractable roof.

Application Refused 30 June 2016

08/00970/FULL: Relay paving to the exterior/forecourt, erection of a wall around the forecourt and creation of a bin store on the Abbey Road elevation.

Application Permitted 23 May 2008

07/01059/FULL: Erection of decking with railings and steps to Belgrave Gardens and Abbey Road elevations to create an external terrace area and creation of a timber bin store to the Abbey Road elevation at the 'The Salt House' Public House.

Application Refused 13 April 2007

03/08334/FULL: Retention of a bamboo fence on Belgrave Gardens and bin store enclosure on Abbey Road.

Application Withdrawn 27 February 2004

#### ASSESSMENT:

##### Land Use & Amenity

Considerable objection has been received in relation to the unauthorised use of the premises as a shisha café and associated concerns such as noise, anti-social behaviour, health and smells. They state that the proposed outdoor heaters will make the outside space more attractive to sit out and will therefore cause disturbance. The objections state that as the new owner of the pub has other established shisha cafes, it is their intention, to change the use of the property to a shisha bar.

The applicant is not proposing a change of use, the application is solely for the installation of heaters and does not relate to the use. Refusal on those grounds could therefore not be sustained. An informative is however recommended advising the applicant that should a material change of use occur, planning permission will be required and assessed on its merits.

Permission cannot be refused on the grounds raised by objectors, such as anti-social behaviour, amenity or health implications as the application does not relate to the use. While the proposed heaters will make the outside space more appealing to patrons, the concerns raised relate to management issues and personal choice (to smoke) rather than something which can be assessed through planning legislation.

**Design and Conservation:**

In terms of the appearance of the heaters, they are to be located at the top of the windows, under the awnings. While they will add clutter to the frontage, given their size and location it is not considered that their impact will have such a harmful impact as to recommend refusal.

A new door is proposed to the corner. An objection has been received that this inappropriate and akin to a nightclub door. The door is constructed from timber with brass trims, which are traditional materials and considered is considered acceptable in conservation area terms.

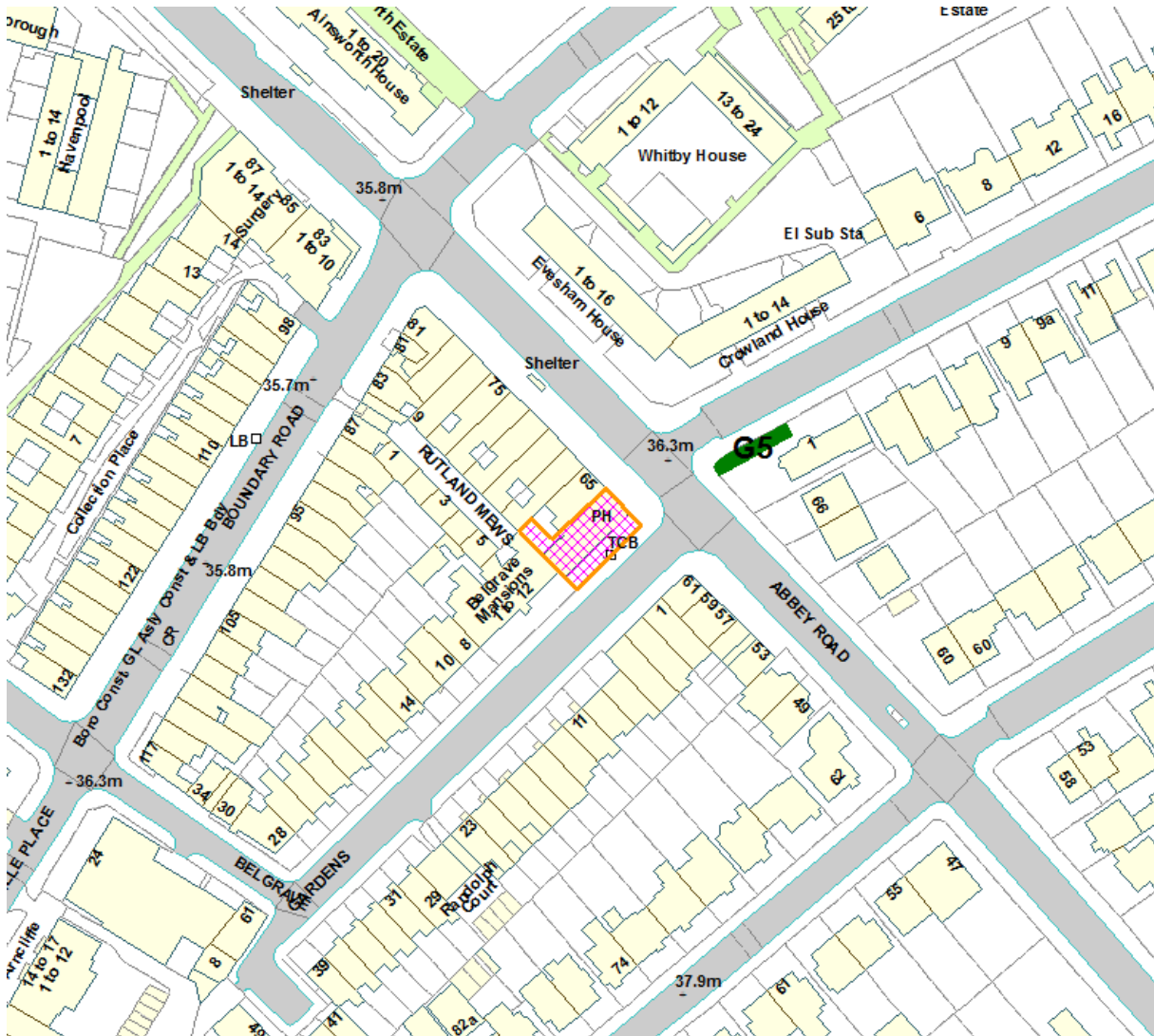
**Signage/lighting:**

Objections have been received in relation to the proposed lighting of both the signage to the front of the building and to the modern nature of the design of the signage. As the lighting to the front elevation has been removed these comments solely relates to the adverts, which are considered acceptable given that the sign on the post replaces an existing similarly illuminated sign and given that the sign above the front door is small and lit by an existing light fitting. Advertisement regulations do not control the content of an advert, but the size and method of illumination, as mentioned as this is not being changed this is considered acceptable. The adverts are therefore not considered to have a negative impact on the character and appearance of the conservation area and are considered acceptable.

**Other:**

Objections in relation to increased traffic and concerns that the applicant is looking to circumvent planning process have also been received. As the proposals do not relate to the use, and subject to an informative to advise the applicant that any change of use would require planning permission, these objections are not sustained.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Current Street view (taken 2 May 2019)



Photo from June 2017



## 5. CONSULTATIONS

*Consultation responses for 18/10785/FULL*

WARD CLLR FREEMAN:

Request for application to be reported to committee.

ST JOHNS WOOD SOCIETY:

Object to the high level lighting of the facades, which will be detrimental to the building and conservation area. Also object to the heaters as such equipment would intensify the use of the outside space in the winter and negatively impact on neighbours in terms of noise.

ADJOINING OWNERS / OCCUPIERS:

No consulted: 40

No responses: 8 objections on the following grounds:

Land Use:

- Belgrave Gardens is a residential street, do not want to encourage the use of outdoor areas.
- Comment that the upper floors may be converted to residential unlawfully.
- Ground floor likely changed use to a Shisha Bar.
- Loss of local pub disappointing.

Amenity:

- Increased noise and nuisance due to use of outdoor amenity space.

Design:

- Heaters are out of place with the building.
- Considerations should be had for the general appearance of the site on the area.
- Lighting likely OK if just replacing existing to improve energy efficiency.
- Lighting and alterations to the signage out of character with the area.

Highways:

- Use as a shisha bar would not be used by local people, increasing pressure on parking.

Other:

- Installation of outside heaters will encourage smoking and/or shisha.
- No requirement for outside heaters or lighting.
- Smoking is bad for health.
- Name of premises should not be changed.
- Applicant trying to circumvent the planning process.
- Awnings have been removed, unclear if they will be replaced and with what.

SITE NOTICE / PRESS ADVERT:

Yes

*Consultation responses for 18/10324/ADV*

ADJOINING OWNERS / OCCUPIERS:



Item No.
<b>2</b>

No consulted: 0

No responses: 8 objections which do not raise the same comments to those summarised above under application referenced 18/10785/FULL as well as the following addition comments / queries:

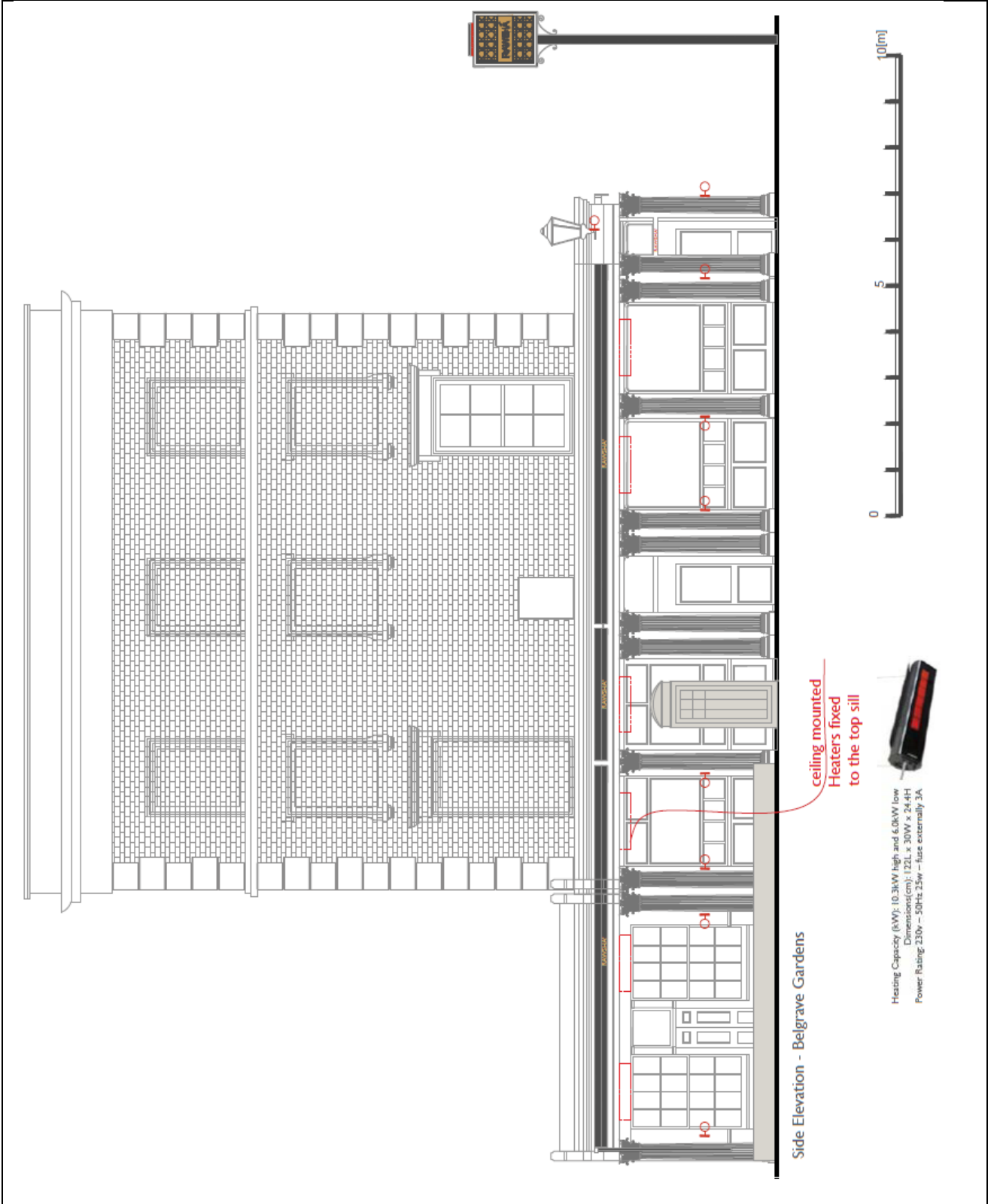
- The new door looks like an entrance to a nightclub.
- Query if basement is to be used as a nightclub.

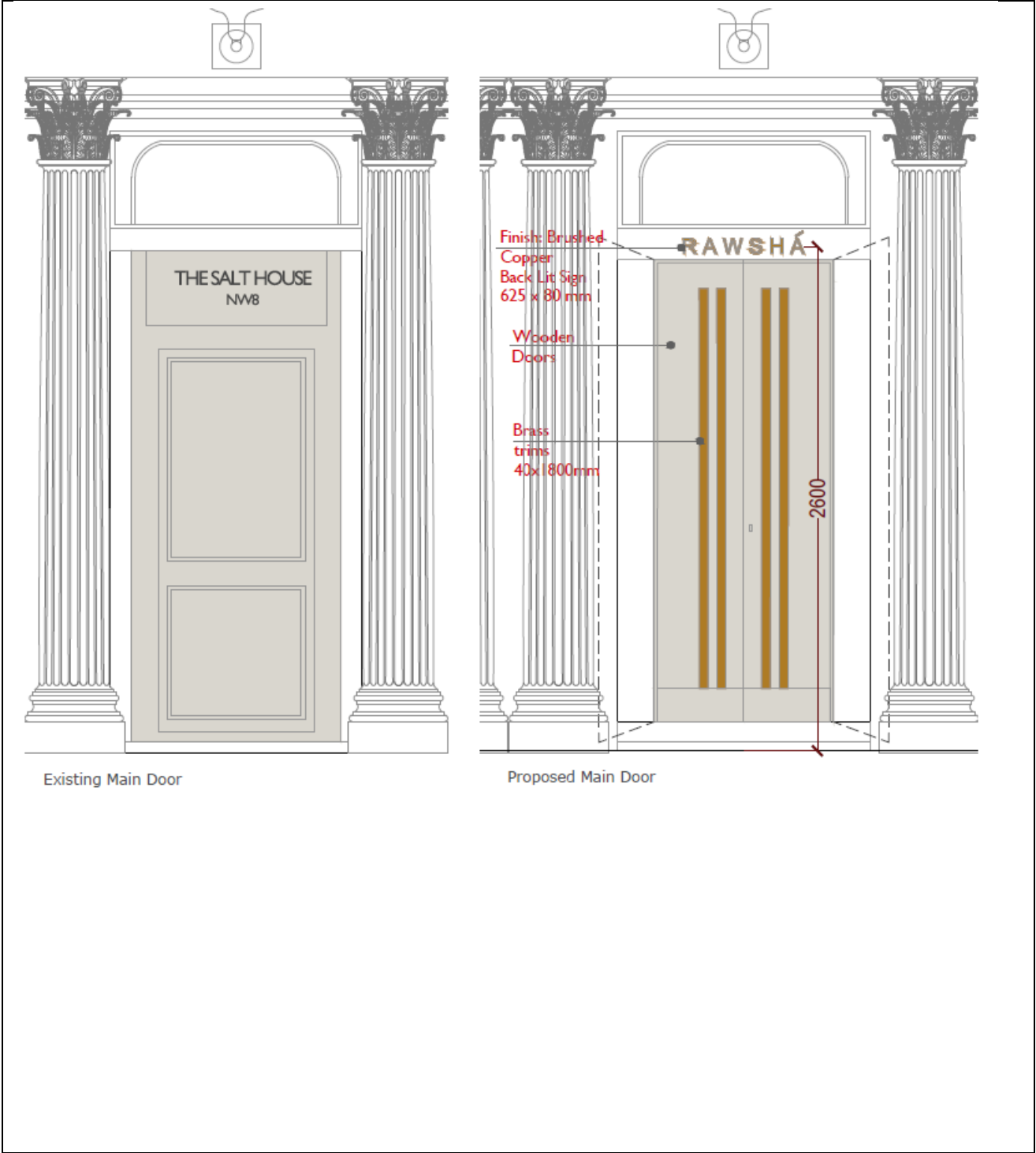
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: <b>RUPERT HANDLEY</b> BY EMAIL AT <a href="mailto:rhandley@westminster.gov.uk">rhandley@westminster.gov.uk</a>
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6. KEY DRAWINGS







Existing Main Door

Proposed Main Door

**DRAFT DECISION LETTER for 18/10785/FULL**

**Address:** 63 Abbey Road, London, NW8 0AE,

**Proposal:** Installation of external heaters to ground floor frontages on Belgrave Gardens and Abbey Road and installation of new front door.

**Plan Nos:** VAL 63AR 00 dated 01 October 2018; VAL 63AR 12 dated 5 December 2019; VAL 63AR 13 dated 21 March 2019; VAL 63AR 14 dated 5 December 2018; VAL 63AR 15 dated 21 March 2019; VAL 63AR 17S dated 1 October 2018.

**Case Officer:** Rupert Handley

**Direct Tel. No.** 020 7641 2497

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St Johns Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

**Informative(s):**

1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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**CONSIDERATE CONSTRUCTORS:**

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**BUILDING REGULATIONS:**

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>

3 You are advised that a change of use from a public house to a restaurant/cafe/shisha would require the benefit of planning permission.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

Item No.
<b>2</b>

**DRAFT DECISION LETTER for 18/10324/ADV**

**Address:** 63 Abbey Road, London, NW8 0AE,

**Proposal:** Display of externally illuminated fascia sign measuring 0.02m X 0.08m and externally illuminated sign atop street post measuring 1.0m X 1.0m

**Plan Nos:** VAL 63AR 00 dated 01 October 2018; VAL 63AR 12 dated 5 December 2019; VAL 63AR 13 dated 21 March 2019; VAL 63AR 14 dated 5 December 2018; VAL 63AR 15 dated 21 March 2019; VAL 63AR 16S dated 1 October 2018; VAL 63AR 17S dated 1 October 2018.

**Case Officer:** Rupert Handley

**Direct Tel. No.** 020 7641 2497

Unconditional or if an Advert Application only the standard advert conditions

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# Agenda Item 3

Item No.
<b>3</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 21 May 2019	<b>Classification</b> For General Release	
<b>Addendum Report of</b> Executive Director Growth Planning and Housing		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>Basement And Ground Floor, 42 Marylebone High Street, London, W1U 5HD</b>		
<b>Proposal</b>	Installation of 4 condensing units at rear lower ground floor level in shared service yard (Retrospective application).		
<b>Agent</b>	Bidwells LLP		
<b>On behalf of</b>	Getti Ltd		
<b>Registered Number</b>	18/08647/FULL	<b>Date amended/ completed</b>	10 October 2018
<b>Date Application Received</b>	10 October 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Harley Street		

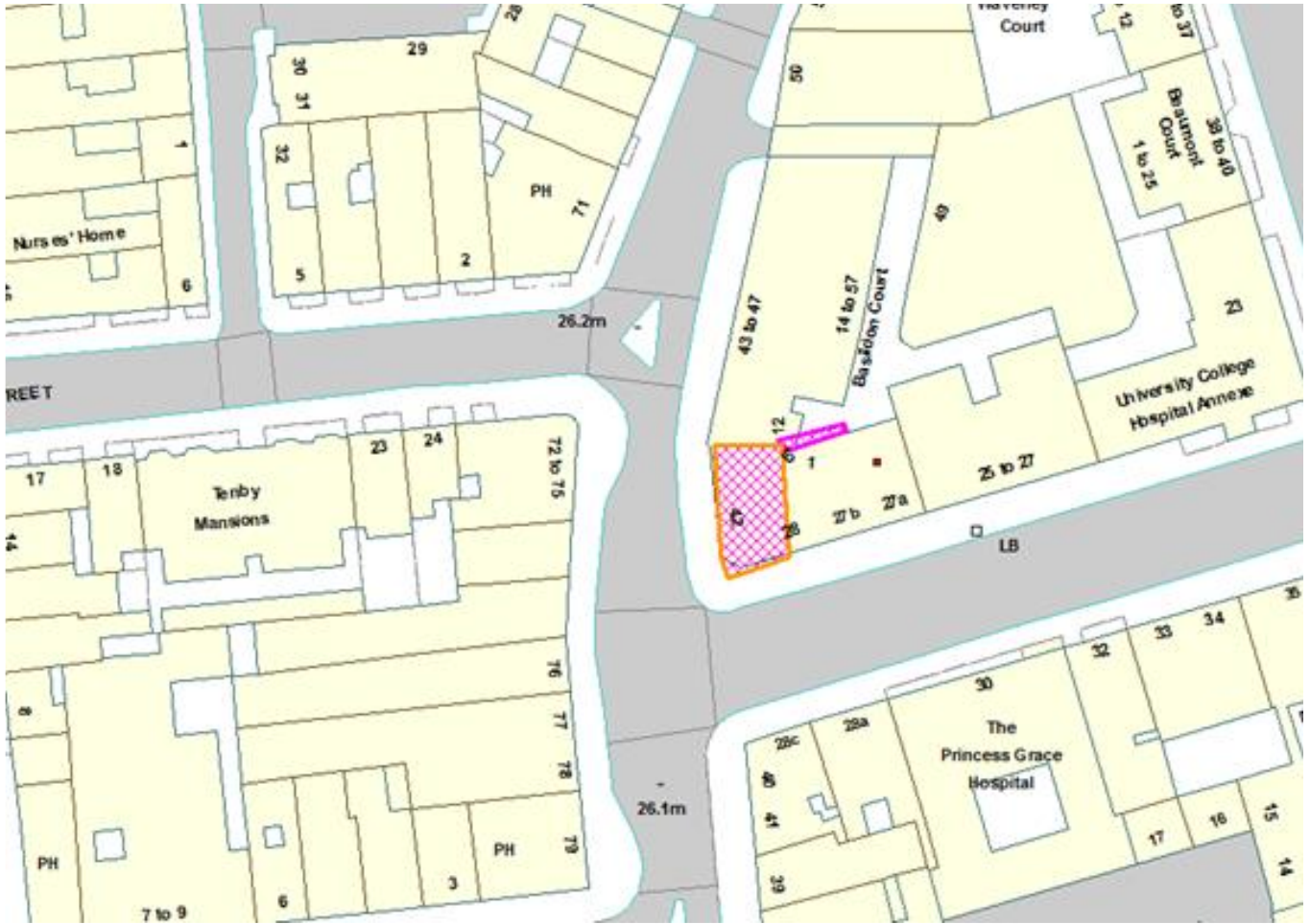
## 1. RECOMMENDATION

Grant conditional permission
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## 2. SUMMARY

<p>The application was reported to Planning Applications Committee on 19 March 2019. Consideration of the application was deferred to enable a cold room condenser, which had been installed without permission (but which had been deleted from the application as its operation did not comply with Council noise standards) to be removed and to permit the retained plant to be reassessed. A site inspection on 29 April 2019 has confirmed that the cold room condenser has been completely removed. An acoustic report has been submitted, which solely assesses the operation of the four air conditioning units. This report has been considered by the Council's Environmental Health Officer who has raised no objection to the proposals subject to standard conditions relating to noise and vibrations and restrictions on the hours of use (07.00 to 23.00 hours).</p> <p>The application is re-represented to Committee for further consideration.</p>
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### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Cold room condenser – photograph taken 6 December 2018





Cold room condenser removed – photograph taken 29 April 2019

Item No.
<b>3</b>

**5. CONSULTATIONS**

No additional consultations

**REPRESENTATIONS RECEIVED**

**ADDITIONAL REPRESENTATIONS RECEIVED FOLLOWING PUBLICATION OF PREVIOUS COMMITTEE REPORT AND PRESENTED TO COMMITTEE On 19 MARCH 2019**

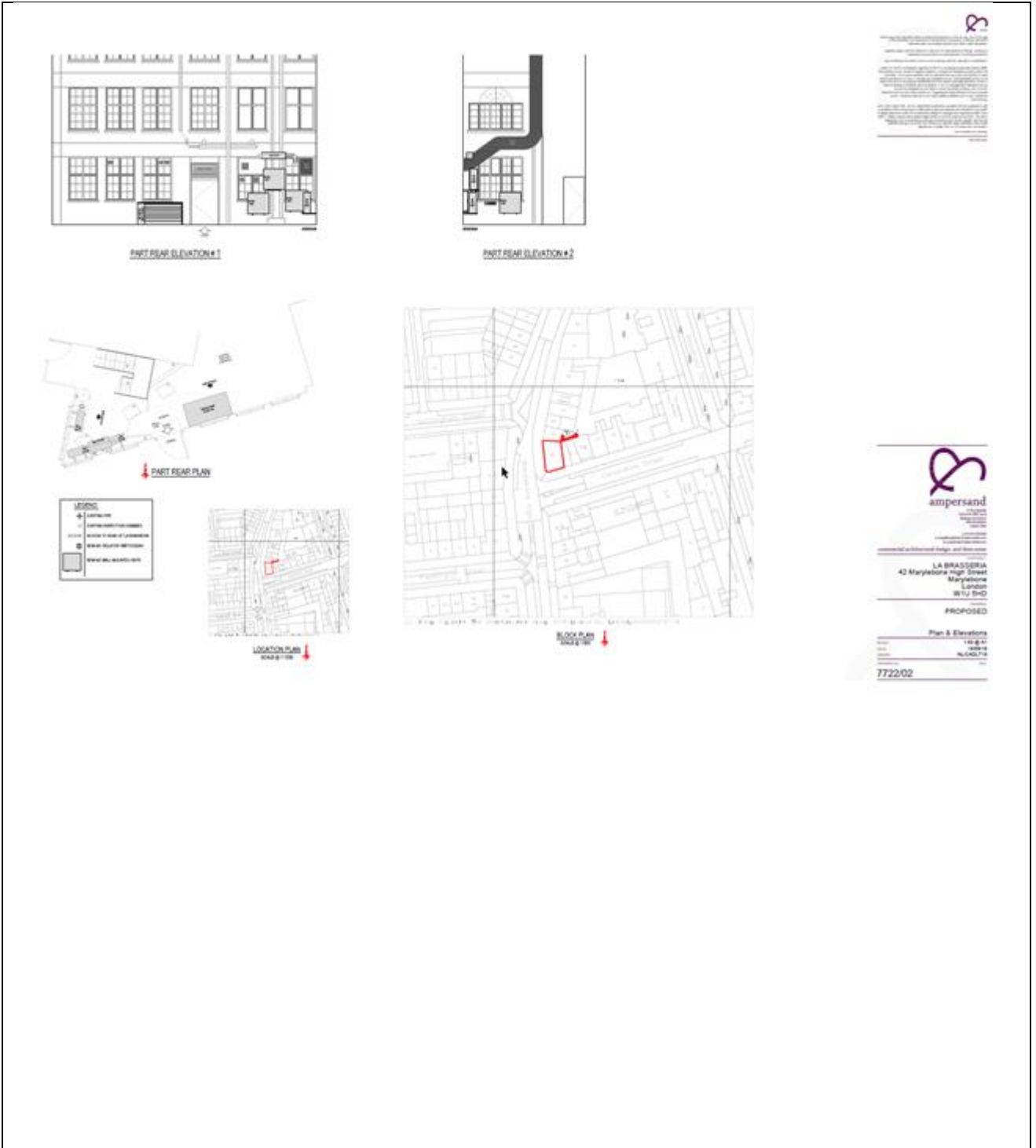
2 additional neighbour objections received (same objector)

- Plant is not switched off at 23.00 hours, continued noise disturbance
- Cold room condenser still in operation on evening of 18 March 2019

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

<b>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT <a href="mailto:rhandley@westminster.gov.uk">rhandley@westminster.gov.uk</a></b>
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6. KEY DRAWINGS



**DRAFT DECISION LETTER**

**Address:** Basement And Ground Floor, 42 Marylebone High Street, London, W1U 5HD

**Proposal:** Installation of 4 x condensing units at rear lower ground floor level in shared service yard. (RETROSPECTIVE APPLICATION).

**Plan Nos:** 7722/02 REV A

**Case Officer:** Shaun Retzback

**Direct Tel. No.** 020 7641 6027

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping

equipment;

- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 3 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 4 The plant/machinery hereby permitted shall not be operated except between 07:00 hours and 23:00 hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R46CB)

**Informative(s):**



- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
  
- 2 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
  - \* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
  - \* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm).

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
  
- 3 Conditions 2, 3 and 4 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
  
- 4 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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